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BEFORE THE ARIZONA CORPORATION COMMISSION
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MARC SPITZER
Chairman

JIM IRVIN
Commissioner

WILLIAM A. MUNDELL
Commissioner

JEFF HATCH-MILLER
Commissioner

MIKE GLEASON
Commissioner

IN THE MATTER OF ILEC UNBUNDLING)
OBLIGATIONS AS A RESULT OF THE)
FEDERAL TRIENNIAL REVIEW ORDER)

Docket No: T-00000A-03-0369

WORLDCOM'S RESPONSE TO
COMMISSION QUESTIONS

WorldCom, Inc., on behalf of its regulated subsidiaries, ("MCI") submits its responses to the Commission's questions posed in its procedural order issued June 24, 2003.

1. What issues pertaining to the 90-day proceeding will need to be addressed as a result of the FCC's order? Please describe any issues identified in detail.

MCI Response: As stated in its response to Question 10, MCI will not participate in the 90-day proceeding and will only participate in the nine-month proceeding. While MCI will not comment specifically on this question, it would point out that the FCC's

1 Triennial Review Order¹ addresses this question generally, and provides states and the
2 parties some guidance, in paragraphs 419, 421 and 455-458 of that Order.

3
4 2. Please provide substantive comments on the presumptive finding of no
5 impairment for local circuit switching on high-capacity loops such as DS-1 for business
6 customers. These substantive comments should include any information that you believe
7 rebut the presumptive finding of no impairment for not providing local circuit switching
8 as a UNE on high-capacity loops such as DS-1 for business customers.

9
10 **MCI Response:** As stated in its response to Question 10, MCI will not participate
11 in the 90-day proceeding and will only participate in the nine-month proceeding.
12 Nevertheless, MCI would observe that Paragraphs 455 to 458 of the Triennial Review
13 Order identify the types of information this Commission may consider to rebut the
14 national finding of no impairment for DS-1s used to serve business customers.
15

16
17 3. If there are any other issues that the Commission must resolve within the 90-
18 day time frame, please provide substantive comment on those issues as well.

19
20 **MCI Response:** As stated in its response to Question 10, MCI will not participate
21 in the 90-day proceeding and will only participate in the nine-month proceeding. MCI
22 does not believe that there are any other issues that the Commission must address in the

23
24 ¹ See, *Report and Order and Order on Remand and Further Notice of Proposed*
25 *Rulemaking*, FCC 03-36, adopted on February 20, 2003, released on August 21, 2003, and
26 *issued In the Matter of Review of the Section 251 Unbundling Obligations of Incumbent*
Local Exchange Carriers, CC Docket No. 01-338; *Implementation of the Local*
Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98;

1 90-day proceeding other than those identified by the FCC and that are referred to in MCI's
2 response to Question 1.

3
4 4. For the 90-day proceeding, what process and schedule should the
5 Commission use to implement the FCC's Triennial Review Order, i.e., contested case
6 process, comment and workshop or merely a paper comment process? If you believe a
7 contested case process is necessary, please identify any disputed issues of material fact
8 that would need to be addressed in an evidentiary proceeding conducted by the
9 Commission. Are some issues more sensitive than others? Please identify any issues that
10 are time sensitive and discuss your responses in detail.

11
12 **MCI Response:** As stated in its response to Question 10, MCI will not participate
13 in the 90-day proceeding and will only participate in the nine-month proceeding.
14 Therefore, MCI will not comment upon the question regarding the process to be followed.
15 MCI does believe, however, that the process that is used in the highly accelerated 90-day
16 proceeding should not necessarily be employed in the nine-month proceeding. The two
17 proceedings involve different issues, different presumptions, and different parties;
18 moreover, the time frame afforded states to address the issues presented in each
19 proceeding may dictate or permit different procedural approaches.
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26 and Deployment of Wireline Services Offering Advanced Telecommunications Capability,
CC Docket 98-147, hereinafter referred to as the ("Triennial Review Order" or "TRO").

1 5. For the issues in the 90-day proceeding, please describe what you believe is,
2 or should be, the procedural relationship between the 90-day proceeding involving the
3 enterprise market and the nine month proceeding for the “mass market.”

4 **MCI Response:** There is, and should be, no procedural relationship between the
5 two proceedings. The 90-day proceeding and the nine month proceeding can run
6 concurrently, but there should be no direct or indirect relationship between the two
7 proceedings. The two proceedings involve different presumptions and different facts, the
8 nature of the Commission’s inquiry will be materially different, and the proceedings
9 necessarily will follow different timelines. For these same reasons, the 90-day proceeding
10 should have no precedential impact on the nine month proceeding. Otherwise, parties not
11 planning to participate in the 90-day proceeding will be compelled to participate in both
12 cases, present evidence and raise arguments in order to preserve their position on such
13 matters in the nine month proceeding. It would be inefficient and unproductive to
14 encourage this unnecessary proliferation of parties and expansion of the 90-day
15 proceeding, and would unduly complicate the Commission’s task of timely completing the
16 90-day process. So as not to unduly burden the 90-day proceeding, the Commission
17 should make clear that that proceeding will not have any precedential effect and the results
18 will not be binding on parties to the nine month proceeding.

19 6. Are any rule changes required to the Arizona Administrative Code as a result
20 of the FCC’s Triennial Review Order? For the issues in the 90-day proceeding, are any
21 rulemaking proceedings advisable as a result of the FCC’s Triennial Review Order?

1 **MCI Response:** No rulemaking proceedings will be necessary at this time as a
2 result of the issuance of the TRO. Once the Commission has completed the 90-day
3 proceeding and the nine-month proceeding, it should then consider whether its
4 interconnection and unbundling rules found at R14-2-1301 *et seq.* need to be modified in
5 the event the Commission changes any unbundling obligations in the 90-day and nine-
6 month proceedings.
7

8 7. Please comment on any other issues related to the 90-day proceeding you
9 believe to be relevant to the ACC's implementation of the FCC's Triennial Review Order.
10

11 **MCI Response:** As stated in its response to Question 10, MCI will not participate
12 in the 90-day proceeding and will only participate in the nine-month proceeding.
13 Therefore, MCI will not comment on this question.
14

15 8. Should the Commission address all of the issues related to the 90-day and
16 nine-month proceedings within this docket?

17 **MCI Response:** No. This docket should be reserved for the nine-month
18 proceeding, and the Commission should open a separate docket for the 90-day proceeding.
19 Since MCI's in-house attorney, and attorneys for other likely parties, have already been
20 granted *pro hac vice* status in this docket, the Commission should use this docket to hear
21 the case that will likely have the most participants and the broadest mailing list. This will
22 also eliminate the time and expense of seeking *pro hac vice* status for a new docket.
23

24 9. Should the Commission use the same process you identified in response to
25 Question 4 in both the 90-day and the nine-month proceeding?
26

1 **MCI Response:** The contested case process should be used in the nine-month
2 proceeding.

3 10. Please indicate which of the proceedings you intend to actively participate.

4 **MCI Response:** The nine-month proceeding. MCI will not participate in the 90-
5 day proceeding.
6

7 RESPECTFULLY SUBMITTED this 10th day of September, 2003.

8 LEWIS AND ROCA
9

10 

11 Thomas H. Campbell
12 Michael T. Hallam
13 40 N. Central Avenue
14 Phoenix, Arizona 85004

15 Attorneys for WorldCom, Inc.

16 ORIGINAL and thirteen (13) copies
17 of the foregoing filed this 10th day of
18 September, 2003, with:

19 Arizona Corporation Commission
20 Docket Control – Utilities Division
21 1200 W. Washington Street
22 Phoenix, Arizona 85007

23 COPY of the foregoing hand-delivered
24 this 10th day of September, 2003, to:

25 Dwight D. Nodes
26 Assistant Chief Administrative Law Judge
27 Arizona Corporation Commission
28 1200 W. Washington Street
29 Phoenix, Arizona 85007

1 Maureen Scott
2 Legal Division
3 Arizona Corporation Commission
4 1200 W. Washington Street
5 Phoenix, Arizona 85007

6 COPY of the foregoing mailed this
7 10th day of September, 2003, to:

8 Timothy Berg, Esq.
9 Fennemore Craig
10 3003 N. Central Avenue
11 Suite 2600
12 Phoenix, Arizona 85012

13 Joan S. Burke
14 Osborn Maledon
15 2929 N. Central Avenue
16 Suite 2100
17 Phoenix, Arizona 85012-2794

18 Richard Wolters
19 AT&T and TCG
20 1875 Lawrence Street
21 Suite 1503
22 Denver, Colorado 80202-1870

23 Mitchell F. Brecher
24 Greenberg Traurig, LLP
25 800 Connecticut Avenue, NW
26 Suite 500
Washington, DC 20006

